

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JAMES A. PIGGEE, individually, and as)
an officer of G.E.M.S., Inc., and DOES)
1-149, yet unidentified African Americans)

Plaintiffs,)

v.)

2:08-CV-107-PPS-PRC

COLUMBIA SUSSEX CORP.,)
COLUMBIA PROPERTIES BATON)
ROUGE, LTD., d/b/a/ Baton Rouge)
Marriott,)

Defendants.)

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Paul Cherry regarding Defendants' motion for sanctions and contempt for Plaintiffs' failure to comply with the Court's July 7, 2010 discovery order [DE 64]. Magistrate Judge Cherry entered his Report and Recommendation on August 10, 2010 [*Id.*]. Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days after being served with a copy of the Report and Recommendation to file written objections. That deadline has passed, and no parties have objected to the Report and Recommendation.

The Court, having reviewed the Report and Recommendation, agrees with the reasoning therein and finds that the sanctions recommended by Judge Cherry pursuant to Fed. R. Civ. P. 37(b)(2)(C) and 37(d)(3) are appropriate in this case.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation [DE 64] in its entirety and incorporates all of its findings and recommendations into this order. Defendants' motion for contempt and sanctions is **GRANTED in part** and **DENIED in part** [DE 57].

Specifically, the Court **DENIES** Defendants' request for sanctions in the form of dismissal with prejudice. The Court, however, **GRANTS** Defendants' request for the reasonable expenses, including attorneys' fees, that Defendants incurred in preparing the filings described in the Report and Recommendation—namely, (1) the June 16, 2010 motion to compel [DE 51]; (2) the July 2, 2010 reply in support of the motion to compel [DE 53]; (3) the July 20, 2010 motion for sanctions [DE 57]; and (4) the July 28, 2010 response in opposition to the second motion for extension of time [DE 61].

Because the Court finds that Defendants are entitled to the foregoing expenses, the Defendants shall **FILE** bills of cost, as contemplated by Fed. R. Civ. P. 37, for those expenses. The Defendants' bills of cost are due by **September 16, 2010**. Plaintiffs must file any objections to the bills of cost by **September 30, 2010**.

SO ORDERED.

ENTERED: August 31, 2010

/s/ Philip P. Simon
PHILIP P. SIMON, CHIEF JUDGE
UNITED STATES DISTRICT COURT